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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WASHINGTON

STEPHEN BURGESS, individually, and  
BRUCE WOLF, as the court-appointed  
Personal Representative of the Estate of  
DEBORA M. BURGESS and on behalf of all  
statutory wrongful death beneficiaries,

Plaintiffs,

vs.

DAIMLER TRUCK NORTH AMERICA, a  
Delaware limited liability company; HTS  
LOGISTICS, INC., an Illinois corporation;  
SAHIL TAYA and JANE DOE TAYA,  
husband and wife; and XYZ Corporations (1-  
5).

Defendants.

NO. 1:23-cv-03054

DEFENDANTS HTS LOGISTICS, INC.  
AND SAHIL TAYA'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
PLAINTIFFS' COMPLAINT FOR  
WRONGFUL DEATH, SURVIVORSHIP,  
NEGLIGENCE, PRODUCT LIABILITY  
AND NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS

COME NOW, Defendants HTS Logistics, Inc. and Sahil Taya (hereinafter collectively  
referred to as "Defendants"), by and through their counsel of records, and answer Plaintiffs'  
Complaint as follows:

DEFENDANTS HTS LOGISTICS, INC. AND SAHIL TAYA'S  
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS'  
COMPLAINT FOR WRONGFUL DEATH, SURVIVORSHIP,  
NEGLIGENCE, PRODUCT LIABILITY AND NEGLIGENT  
INFLECTION OF EMOTIONAL DISTRESS - 1

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**I. THE PARTIES**

1.1 In answer to paragraph 1.1, Defendants state they are without sufficient knowledge or information to admit or deny, and therefore deny the same.

1.2 In answer to paragraph 1.2, Defendants state they are without sufficient knowledge or information to admit or deny, and therefore deny the same.

1.3 In answer to paragraph 1.3, Defendants state they are without sufficient knowledge or information to admit or deny, and therefore deny the same.

1.4 In answer to paragraph 1.4, Defendants admit.

1.5 In answer to paragraph 1.5, Defendants admit.

1.6 In answer to paragraph 1.6, Defendants admit that this Court has general and specific personal jurisdiction over HTS.

1.7 In answer to paragraph 1.7, Defendants admit that this Court has general and specific personal jurisdiction over HTS.

1.8 In answer to paragraph 1.8, Defendants admit.

1.9 In answer to paragraph 1.9, Defendants state that this paragraph seeks a legal conclusion regarding causation for which an answer is not required. To the extent a response is required, Defendants admit that it was the leasee and operator of a semi-truck and trailer involved in the subject accident. As to any remaining allegations for which a response is required, Defendants deny.

1.10 In answer to paragraph 1.10, Defendants state that this paragraph seeks a legal conclusion regarding causation for which an answer is not required. To the extent a response is required, Defendants admit that Defendant Taya was in the course and his scope of

1 employment with HTS at the time of the subject accident. As to any remaining allegations for  
2 which a response is required, Defendants deny.

3 1.11 In answer to paragraph 1.11, Defendants state they are without sufficient  
4 knowledge or information to admit or deny, and therefore deny the same.

5 1.12 In answer to paragraph 1.12, Defendants state they are without sufficient  
6 knowledge or information to admit or deny, and therefore deny the same.

7 1.13 In answer to paragraph 1.13, Defendants state they are without sufficient  
8 knowledge or information to admit or deny, and therefore deny the same.

9 1.14 In answer to paragraph 1.14, Defendants state they are without sufficient  
10 knowledge or information to admit or deny, and therefore deny the same.

11 1.15 In answer to paragraph 1.15, Defendants state they are without sufficient  
12 knowledge or information to admit or deny, and therefore deny the same.

## 13 **II. JURISDICTION AND VENUE**

14 2.1 In answer to paragraph 2.1, Defendants state that this paragraph seeks a legal  
15 conclusion regarding causation for which an answer is not required. To the extent that a  
16 response is required, Defendants admit that diversity of parties exists under 28 U.S.C. § 1332.

17 2.2 In answer to paragraph 2.2, Defendants state that this paragraph seeks a legal  
18 conclusion regarding causation for which an answer is not required. To the extent that a  
19 response is required, Defendants admit that they had sufficient minimum contacts with  
20 Washington for this Court's jurisdiction to be consistent with the traditional notions of fair play  
21 and substantial justice in accord with due process.  
22  
23  
24

2.3 In answer to paragraph 2.3, Defendants state that this paragraph seeks a legal conclusion regarding causation for which an answer is not required. To the extent that a response is required, Defendants admit that venue is proper in this Court under 28 U.S.C. § 1391(b)(2).

### III. FACTS

3.1 In answer to paragraph 3.1, Defendants admit.

3.2 In answer to paragraph 3.2, Defendants admit.

3.3 In answer to paragraph 3.3, Defendants admit.

3.4 In answer to paragraph 3.4, Defendants state they are without sufficient knowledge or information to admit or deny, and therefore deny the same.

3.5 In answer to paragraph 3.5, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent a response is required, Defendants admit that Defendant Taya drove a 2022 Freightliner Cascadia and a trailer through a Pilot Truck Stop located in Ellensburg, WA, where the accident occurred, on August 15, 2022. As to any remaining allegations for which a response is required, Defendants deny.

3.6 In answer to paragraph 3.6, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent a response is required, Defendants deny.

3.7 In answer to paragraph 3.7, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent a response is required, Defendants state they are without sufficient knowledge or information to admit or deny, and therefore deny the same.

1           3.8     In answer to paragraph 3.8, Defendants are without sufficient knowledge or  
2 information to admit or deny, and therefore deny the same.

3           3.9     In answer to paragraph 3.9, Defendants are without sufficient knowledge or  
4 information to admit or deny, and therefore deny the same.

5           3.10    In answer to paragraph 3.10, Defendants state that this paragraph seeks a legal  
6 conclusion for which an answer is not required. To the extent a response is required,  
7 Defendants deny.

8           3.11    In answer to paragraph 3.11, Defendants state that this paragraph seeks a legal  
9 conclusion for which an answer is not required. To the extent a response is required,  
10 Defendants deny.  
11

12          3.12    In answer to paragraph 3.12, Defendants are without sufficient knowledge or  
13 information to admit or deny, and therefore deny the same.

14          3.13    In answer to paragraph 3.13, Defendants state that this paragraph seeks a legal  
15 conclusion for which an answer is not required. To the extent a response is required,  
16 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
17 deny the same.

18          3.14    In answer to paragraph 3.14, Defendants state that this paragraph seeks a legal  
19 conclusion for which an answer is not required. To the extent a response is required,  
20 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
21 deny the same.  
22

23          3.15    In answer to paragraph 3.15, Defendants state that this paragraph seeks a legal  
24 conclusion for which an answer is not required. To the extent a response is required,

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.16 In answer to paragraph 3.16, Defendants state that this paragraph seeks a legal  
4 conclusion for which an answer is not required. To the extent a response is required,  
5 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
6 deny the same.

7 3.17 In answer to paragraph 3.17, Defendants state that this paragraph seeks a legal  
8 conclusion for which an answer is not required. To the extent a response is required,  
9 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
10 deny the same.

11 3.18 In answer to paragraph 3.18, Defendants state that this paragraph seeks a legal  
12 conclusion for which an answer is not required. To the extent a response is required,  
13 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
14 deny the same.

15 3.19 In answer to paragraph 3.19, Defendants are without sufficient knowledge or  
16 information to admit or deny, and therefore deny the same.

17 3.20 In answer to paragraph 3.20, Defendants state that this paragraph seeks a legal  
18 conclusion for which an answer is not required. To the extent a response is required,  
19 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
20 deny the same.

21 3.21 In answer to paragraph 3.21, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23  
24

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.22 In answer to paragraph 3.22, Defendants are without sufficient knowledge or  
4 information to admit or deny, and therefore deny the same.

5 3.23 In answer to paragraph 3.23, Defendants are without sufficient knowledge or  
6 information to admit or deny, and therefore deny the same.

7 3.24 In answer to paragraph 3.24, Defendants are without sufficient knowledge or  
8 information to admit or deny, and therefore deny the same.

9 3.25 In answer to paragraph 3.25, Defendants are without sufficient knowledge or  
10 information to admit or deny, and therefore deny the same.

11 3.26 In answer to paragraph 3.26, Defendants are without sufficient knowledge or  
12 information to admit or deny, and therefore deny the same.

13 3.27 In answer to paragraph 3.27, Defendants state that this paragraph seeks a legal  
14 conclusion for which an answer is not required. To the extent a response is required,  
15 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
16 deny the same.

17 3.28 In answer to paragraph 3.28, Defendants are without sufficient knowledge or  
18 information to admit or deny, and therefore deny the same.

19 3.29 In answer to paragraph 3.29, Defendants are without sufficient knowledge or  
20 information to admit or deny, and therefore deny the same.

21 3.30 In answer to paragraph 3.30, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.31 In answer to paragraph 3.31, Defendants state that this paragraph seeks a legal  
4 conclusion for which an answer is not required. To the extent a response is required,  
5 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
6 deny the same.

7 3.32 In answer to paragraph 3.32, Defendants are without sufficient knowledge or  
8 information to admit or deny, and therefore deny the same.

9 3.33 In answer to paragraph 3.33, Defendants state that this paragraph seeks a legal  
10 conclusion for which an answer is not required. To the extent an answer is required,  
11 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
12 deny the same.

13 3.34 In answer to paragraph 3.34, Defendants state that this paragraph seeks a legal  
14 conclusion for which an answer is not required. To the extent a response is required,  
15 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
16 deny the same.

17 3.35 In answer to paragraph 3.35, Defendants are without sufficient knowledge or  
18 information to admit or deny, and therefore deny the same.

19 3.36 In answer to paragraph 3.36, Defendants state that this paragraph seeks a legal  
20 conclusion for which an answer is not required. To the extent a response is required,  
21 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
22 deny the same.



1           3.37 In answer to paragraph 3.37, Defendants are without sufficient knowledge or  
2 information to admit or deny, and therefore deny the same.

3           3.38 In answer to paragraph 3.38, Defendants are without sufficient knowledge or  
4 information to admit or deny, and therefore deny the same.

5           3.39 In answer to paragraph 3.39, Defendants state that this paragraph seeks a legal  
6 conclusion for which an answer is not required. To the extent a response is required,  
7 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
8 deny the same.

9           3.40 In answer to paragraph 3.40, Defendants are without sufficient knowledge or  
10 information to admit or deny, and therefore deny the same.

11           3.41 In answer to paragraph 3.41, Defendants are without sufficient knowledge or  
12 information to admit or deny, and therefore deny the same.

13           3.42 In answer to paragraph 3.42, Defendants are without sufficient knowledge or  
14 information to admit or deny, and therefore deny the same.

15           3.43 In answer to paragraph 3.43, Defendants are without sufficient knowledge or  
16 information to admit or deny, and therefore deny the same.

17           3.44 In answer to paragraph 3.44, Defendants state that this paragraph seeks a legal  
18 conclusion for which an answer is not required. To the extent a response is required,  
19 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
20 deny the same.

21           3.45 In answer to paragraph 3.45, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23  
24

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.46 In answer to paragraph 3.46, Defendants state that this paragraph seeks a legal  
4 conclusion for which an answer is not required. To the extent a response is required,  
5 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
6 deny the same.

7 3.47 In answer to paragraph 3.47, Defendants state that this paragraph seeks a legal  
8 conclusion for which an answer is not required. To the extent and answer is required,  
9 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
10 deny the same.

11 3.48 In answer to paragraph 3.48, Defendants state that this paragraph seeks a legal  
12 conclusion for which an answer is not required. To the extent and answer is required,  
13 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
14 deny the same.

15 3.49 In answer to paragraph 3.49, Defendants are without sufficient knowledge or  
16 information to admit or deny, and therefore deny the same.

17 3.50 In answer to paragraph 3.50, Defendants state that this paragraph seeks a legal  
18 conclusion for which an answer is not required. To the extent and answer is required,  
19 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
20 deny the same.

21 3.51 In answer to paragraph 3.51, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23  
24

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.52 In answer to paragraph 3.52, Defendants are without sufficient knowledge or  
4 information to admit or deny, and therefore deny the same.

5 3.53 In answer to paragraph 3.53, Defendants are without sufficient knowledge or  
6 information to admit or deny, and therefore deny the same.

7 3.54 In answer to paragraph 3.54, Defendants are without sufficient knowledge or  
8 information to admit or deny, and therefore deny the same.

9 3.55 In answer to paragraph 3.55, Defendants state that this paragraph seeks a legal  
10 conclusion for which an answer is not required. To the extent a response is required,  
11 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
12 deny the same.

13 3.56 In answer to paragraph 3.56, Defendants are without sufficient knowledge or  
14 information to admit or deny, and therefore deny the same.

15 3.57 In answer to paragraph 3.57, Defendants are without sufficient knowledge or  
16 information to admit or deny, and therefore deny the same.

17 3.58 In answer to paragraph 3.58, Defendants state that this paragraph seeks a legal  
18 conclusion for which an answer is not required. To the extent and answer is required,  
19 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
20 deny the same.

21 3.59 In answer to paragraph 3.59, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 3.60 In answer to paragraph 3.60, Defendants state that this paragraph seeks a legal  
4 conclusion for which an answer is not required. To the extent an answer is required,  
5 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
6 deny the same.

7 3.61 In answer to paragraph 3.61, Defendants are without sufficient knowledge or  
8 information to admit or deny, and therefore deny the same.

9 3.62 In answer to paragraph 3.62, Defendants are without sufficient knowledge or  
10 information to admit or deny, and therefore deny the same.

11 3.63 In answer to paragraph 3.63, Defendants are without sufficient knowledge or  
12 information to admit or deny, and therefore deny the same.

13 3.64 In answer to paragraph 3.64, Defendants state that this paragraph seeks a legal  
14 conclusion for which an answer is not required. To the extent a response is required,  
15 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
16 deny the same.

#### 17 **IV. NEGLIGENCE**

18 4.1 In answer to paragraph 4.1, Defendants state that this paragraph seeks a legal  
19 conclusion for which an answer is not required. To the extent a response is required,  
20 Defendants deny.

21 4.2 In answer to paragraph 4.2 Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent a response is required,  
23

1 Defendants admit that Defendant Taya was within the scope of his employment with HTS at  
2 the time of the subject accident. As to any remaining allegations for which a response is  
3 required, Defendants deny.

4 4.3 In answer to paragraph 4.3, Defendants state that this paragraph seeks a legal  
5 conclusion for which an answer is not required. To the extent a response is required,  
6 Defendants deny.

7 4.4 In answer to paragraph 4.4, Defendants state that this paragraph seeks a legal  
8 conclusion for which an answer is not required. To the extent a response is required,  
9 Defendants deny.  
10

11 **V. STRICT PRODUCTS LIABILITY**

12 5.1 In answer to paragraph 5.1, Defendants state that this paragraph seeks a legal  
13 conclusion for which an answer is not required. To the extent and answer is required,  
14 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
15 deny the same.

16 5.2 In answer to paragraph 5.2, Defendants state that this paragraph seeks a legal  
17 conclusion for which an answer is not required. To the extent and answer is required,  
18 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
19 deny the same.  
20

21 5.3 In answer to paragraph 5.3, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent and answer is required,  
23 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
24 deny the same.

1           5.4     In answer to paragraph 5.4, Defendants state that this paragraph seeks a legal  
2 conclusion for which an answer is not required. To the extent an answer is required,  
3 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
4 deny the same.

5           5.5     In answer to paragraph 5.5, Defendants state that this paragraph seeks a legal  
6 conclusion for which an answer is not required. To the extent an answer is required,  
7 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
8 deny the same.

9           5.6     In answer to paragraph 5.6, Defendants state that this paragraph seeks a legal  
10 conclusion for which an answer is not required. To the extent an answer is required,  
11 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
12 deny the same.

13           5.7     In answer to paragraph 5.7, Defendants state that this paragraph seeks a legal  
14 conclusion for which an answer is not required. To the extent an answer is required,  
15 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
16 deny the same.

17           5.8     In answer to paragraph 5.8, Defendants state that this paragraph seeks a legal  
18 conclusion for which an answer is not required. To the extent an answer is required,  
19 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
20 deny the same.

21           5.9     In answer to paragraph 5.9, Defendants state that this paragraph seeks a legal  
22 conclusion for which an answer is not required. To the extent an answer is required,  
23  
24

1 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
2 deny the same.

3 5.10 In answer to paragraph 5.10, Defendants state that this paragraph seeks a legal  
4 conclusion for which an answer is not required. To the extent an answer is required,  
5 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
6 deny the same.

7 5.11 In answer to paragraph 5.11, Defendants state that this paragraph seeks a legal  
8 conclusion for which an answer is not required. To the extent an answer is required,  
9 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
10 deny the same.

11 5.12 In answer to paragraph 5.12, Defendants state that this paragraph seeks a legal  
12 conclusion for which an answer is not required. To the extent an answer is required,  
13 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
14 deny the same.

15 5.13 In answer to paragraph 5.13, Defendants state that this paragraph seeks a legal  
16 conclusion for which an answer is not required. To the extent an answer is required,  
17 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
18 deny the same.

19 5.14 In answer to paragraph 5.14, Defendants state that this paragraph seeks a legal  
20 conclusion for which an answer is not required. To the extent an answer is required,  
21 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
22 deny the same.

1           5.15 In answer to paragraph 5.15, Defendants state that this paragraph seeks a legal  
2 conclusion for which an answer is not required. To the extent an answer is required,  
3 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
4 deny the same.

5           5.16 In answer to paragraph 5.16, Defendants state that this paragraph seeks a legal  
6 conclusion for which an answer is not required. To the extent an answer is required,  
7 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
8 deny the same.

9           5.17 In answer to paragraph 5.17, Defendants state that this paragraph seeks a legal  
10 conclusion for which an answer is not required. To the extent an answer is required,  
11 Defendants are without sufficient knowledge or information to admit or deny, and therefore  
12 deny the same.

13  
14           **VI. BYSTANDER NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

15           6.1 In answer to paragraph 6.1, Defendants state that this paragraph seeks a legal  
16 conclusion for which an answer is not required. To the extent an answer is required,  
17 Defendants deny.

18           6.2 In answer to paragraph 6.2, Defendants state that this paragraph seeks a legal  
19 conclusion for which an answer is not required. To the extent an answer is required,  
20 Defendants deny.

21 //

22 //

23 //

24 //

25 DEFENDANTS HTS LOGISTICS, INC. AND SAHIL TAYA'S  
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**VII. DAMAGES**

7.1 In answer to paragraph 7.1, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.2 In answer to paragraph 7.2, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.3 In answer to paragraph 7.3, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.4 In answer to paragraph 7.4, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.5 In answer to paragraph 7.5, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.6 In answer to paragraph 7.6, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

7.7 In answer to paragraph 7.7, Defendants state that this paragraph seeks a legal conclusion for which an answer is not required. To the extent an answer is required, Defendants deny.

1           7.8     In answer to paragraph 7.8, Defendants state that this paragraph seeks a legal  
2 conclusion for which an answer is not required. To the extent an answer is required,  
3 Defendants deny.

4           7.9     In answer to paragraph 7.9, Defendants state that this paragraph seeks a legal  
5 conclusion for which an answer is not required. To the extent an answer is required,  
6 Defendants deny.

7  
8                           **VIII. JURY DEMAND**

9           8.1     In answer to paragraph 8.1, Defendants state that this paragraph does not require  
10 an answer.

11                           **IX. PRAYER FOR RELIEF**

12           Defendants deny Plaintiffs' Prayer for Relief, including paragraphs 9.1 through 9.6, in  
13 its entirety.

14                           **X. AFFIRMATIVE DEFENSES**

15           BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, Defendants  
16 deny that Plaintiffs are entitled to any of the relief for which they pray from Defendants.

17           WHEREFORE, having fully answered Plaintiffs' Complaint, and without admitting any  
18 of the allegations previously denied, Defendants assert the following affirmative defenses:

19                 1.     *Unavoidable accident.* Plaintiffs' alleged injuries and damages may have been  
20 solely and proximately caused by an unavoidable accident.

21                 2.     *Comparative Fault; Contributory Negligence.* Plaintiffs' injuries and damages,  
22 if any, were proximately caused in whole or in part by Plaintiffs' own negligence and failure to  
23

1 exercise reasonable care. Pursuant to RCW Chapter 4.22, damages are to be apportioned and  
 2 reduced proportionate to Plaintiffs' negligence and should be reduced in proportion thereto.

3 3. *Comparative Fault of Third Parties.* People or entities other than this defendant,  
 4 such as Defendant Daimler Truck North America, caused or contributed to the damages  
 5 plaintiff(s) claim to have suffered. Therefore, any award made in favor of the plaintiff in this  
 6 case must be reduced by an amount equal to the percentage of the fault of others in causing or  
 7 contributing to the damages as alleged in the complaint.

8 4. *Payments/Write-Offs.* Plaintiffs' damages for medical care and other similar  
 9 economic damages are limited to those which have been paid by or on his behalf, and to those  
 10 for which Plaintiffs are legally responsible for payment. Defendants are entitled to a reduction  
 11 in economic damages awarded in Plaintiffs' favor to the extent that they have been or are  
 12 written off, contractually reduced, or subject to contractual discounts or otherwise similarly  
 13 reduced.  
 14

15 Defendants reserve the right to assert additional affirmative defenses that may be  
 16 identified through continuing investigation and discovery, or withdraw any affirmative defense  
 17 herein asserted as future investigation, discovery, or trial testimony dictates.

### 18 **DEFENDANTS' PRAYER FOR RELIEF**

19 Wherefore, having answered Plaintiffs' complaint and alleged affirmative defenses,  
 20 Defendants pray that:


- 21 1. Plaintiffs' Complaint be dismissed with prejudice and without an award of costs;
- 22 2. Defendants be awarded costs, disbursements, and reasonable attorneys' fees in
- 23 defending this action;
- 24

25 DEFENDANTS HTS LOGISTICS, INC. AND SAHIL TAYA'S  
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3. The Defendants be awarded further relief as the Court deems just and equitable under the circumstances and pursuant to applicable law.

FLOYD PFLUEGER &amp; RINGER, P.S.



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## DECLARATION OF SERVICE

Pursuant to RCW 9A.72.085, I declare under penalty of perjury and the laws of the State of Washington that on the below date, I delivered a true and correct copy of the foregoing via the method indicated below to the following parties:

Kevin Coluccio Coluccio Law 2120 1 <sup>st</sup> Avenue, Suite 201 Seattle, WA 98109 <a href="mailto:kc@coluccio-law.com">kc@coluccio-law.com</a>	<i>Counsel for Plaintiffs</i>	<input checked="" type="checkbox"/> Via CM/ECF and/or Email <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Messenger <input type="checkbox"/> Via U.S. Mail
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DATED this 22nd day of June, 2023.

s/ Sophia E. S. Katinas  
 Sophia E. S. Katinas, Legal Assistant

DEFENDANTS HTS LOGISTICS, INC. AND SAHIL TAYA'S  
 ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS'  
 COMPLAINT FOR WRONGFUL DEATH, SURVIVORSHIP,  
 NEGLIGENCE, PRODUCT LIABILITY AND NEGLIGENT  
 INFLICTION OF EMOTIONAL DISTRESS - 21

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